

III. REMARKS

1. Claims 17-32, 34-38, and 40-56 remain in the application. Claims 33 and 39 were previously cancelled without prejudice.

2. Applicants respectfully submit that claims 17-32, 34-38, 40-47 and 49-56 are patentable over the combination of Takahara et al. (US 5,381,158, "Takahara") and Kojima et al. (US 6,236,398, "Kojima") under 35 USC 103(a).

The combination of Takahara and Kojima fails to disclose or suggest:

recognizing a first movement of a body member of the user to a sector on an arcuate area surrounding the user, the sector corresponding to a desired alternative;

recognizing a second movement in the sector corresponding to the desired alternative;

in response to the second movement, recognizing a selection of the desired alternative as completed; and

providing the recognized selection as an output,

as substantially recited by claims 17, 24, 45, and 52.

2.1 Neither reference discloses or suggests recognizing a first movement of a body member of the user to a sector on an arcuate area surrounding the user.

The Examiner properly points out that Takahara fails to disclose a first movement of a body member to a sector on an arcuate area surrounding the user. Applicants respectfully submit that Kojima also fails to disclose or suggest this feature. Referring to Kojima's Figure 2 and column 5, lines 26-34 and lines 39-46, cited by the Examiner, the user does not move a body member to a sector to make a selection. Instead, the user uses the media selecting device shown in Figure 1. Operation of the media selecting device in no way includes moving a body member of the user to a sector on an arcuate area surrounding the user. Instead, operation of the media selecting device includes moving a pointer to a position on the media selection device and pressing a button on the media selection device. Column 5, lines 35-46 clearly state:

As stated above, the problems involved in the prior art devices for selecting three-dimensional icons disposed in a virtual three-dimensional space can be solved by a system including the media selecting device according to the present invention, which device can facilitate the selection of any desired medium by using a rotary disc type knob for selecting corresponding ones of three-dimensional icons representing respective media and displayed in one of the hierarchical layers. To select a desired icon from a menu, for example, the knob is turned to place its pointer at a corresponding position and, then, a button of the knob is pressed to select the medium through that icon (Emphasis added).

As described in this section, there is no first movement of a body member of the user to a sector on an arcuate area surrounding the user. Instead, the user operates a rotary knob and a button on the media selector.

Applicants reiterate that column 6 of Kojima provides a detailed and unambiguous description of the media selector operation. Lines 17-33 describe Figure 2 as a virtual reality space created on a display screen. Lines 26 through 33 describe how table 8 in Figure 2 may be rotated by moving knob 2 of the media selecting device shown in Figure 1. Lines 29-33 specifically state that any of the books a-h shown in Figure 2 may be selected by turning the knob 2 of the media selecting device shown in Figure 1 to position its pointer to one of the angular positions A-H. It is clear that in Kojima, a user does not move a body member to a sector on an arcuate area surrounding the user. The user moves knob 2 of the media selecting device in Figure 1 to one of positions A-H on the input device and makes no movement toward any of the positions a-h on table 8 in Figure 2. On page 11, lines 4-10 of the present action dated March 4, 2009, states that:

The input device of Figure 1 in Kojima when moved to for example a position g in the arcuate area would involve the user's hand being rotated to the position g. Therefore the movement of the member of the body is to position g for the rotation device to clearly indicate the position selected. The rotation device which includes the user's hand to rotate the device is to a certain sector, therefore the moving of a member of the body to that certain sector.

Applicants respectfully submit that the media selecting device of Figure 1 is never moved to position g in Figure 2. In order to select position g in Figure 2, a user rotates the knob of the media selecting device to position G on the media selecting device. Neither the media selecting device nor the user's hand are ever moved to position g of table 8. There is no arcuate area surrounding the user on the media selecting device, so the user cannot move a body member to a sector on an arcuate area surrounding the user, when operating the media selecting device of Kojima.

2.2 Neither reference discloses or suggests recognizing a second movement in the sector corresponding to the desired alternative. As argued above, in the present claims the sector is on an arcuate area surrounding the user and neither reference has the capability to recognize a movement of a body member of the user to a sector on an arcuate area surrounding the user.

Because the combination of Takahara and Kojima fails to disclose or suggest recognizing the first and second movements of a body member to a sector on an arcuate area surrounding the user, the cited combination cannot disclose or suggest recognizing a selection of the desired alternative as completed in response to the second movement, and providing the recognized selection as an output.

At least for these reasons, the combination of Takahara and Kojima fails to render independent claims 17, 24, 45, and 52 and dependent claims 18-23, 25-32, 34-38, 40-44, 46, 47, 49-51, and 53-56 unpatentable.

3. Applicants respectfully submit that claim 48 is patentable over the combination of Takahara, Kojima and Kumar et al. (US 6,624,833, "Kumar") under 35 USC 103(a).

Claim 48 depends from claim 45.

Kumar fails to disclose or suggest the features of claim 45 missing from the combination of Takahara and Kojima argued above, that is:

said selection alternatives located in sectors on an arcuate area surrounding the user and separated by separating areas arranged to reduce selection errors,


a device configured for recognizing a movement of a body member of the user to one of the sectors on said arcuate area between two of the separating areas, and configured for communicating a recognized movement to the central unit.

For the same reasons argued above, none of the cited references disclose or suggest these features. Therefore, the combination of Takahara, Kojima and Kumar fails to render claim 48 unpatentable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


Joseph V. Gamberdell, Jr.
Reg. No. 44,695

13 October 2009
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512